

ADMITTED IN:
CALIFORNIA
TEXAS

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February 2, 2012

Via Email only

Todd A. Del Frate, P.G.
Engineering Geologist
Compliance and Enforcement Section
California Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114

Re: Sylvia Dellar Survivor's Trust, Former City of Sacramento Landfill
Closure and Post Closure Maintenance Plan Status Report Update

Dear Mr. Del Frate:

I am writing with an update and status report on behalf of the Sylvia Dellar Survivor's Trust. The following is a partial response to the Board's correspondence of January 13, 2012. The Trustee takes the inquiries of the Board with grave concern as to the impression that compliance activities were not ongoing. They were, are and will continue to ongoing.

This will serve to update you on the present activities by the Trust with regard to the property. Due to their extensive nature the prior compliance efforts of the Trust will be set forth under separate cover.

This week of January 30 has been devoted to pre-construction planning for the relocation of the transmission equipment and installation of BMPs (best management practices) measures to control storm water runoff during construction. Initially, as noted in a separate e-mail of the 30th, our engineer and biologist were limited in their ability to mark off the elderberry bushes. After again making contact with the City of Sacramento, we were successful in obtaining the assistance of the Sacramento Police Department. The officers were extremely helpful in relocating the homeless encampments which were located in the elderberry bushes to be protected during this phase of construction. The last of the encampments was removed on Wednesday February 1. Construction fencing is being installed about the elderberry bushes today. ✓

As a result today, February 2, we were able to call an on-site meeting with Kleinfelder engineering, Veerkamp engineering, and representatives of Immaculate Heart Radio (IHR). IHR is a tenant of the Trust and broadcasts from the property. The purpose of the meeting was to review the surprisingly complex logistics associated with the relocation of the IHR broadcast equipment with a minimum of disruption to the stations operation. The relocation is in conjunction with the construction of a pad around the transmission tower to the final grade elevation as established by the Water Board approved Dellar Trust Grading Plan.

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Due the fact that meeting was held this morning, I will have under separate cover, an updated schedule of construction for your information on February 3, 2012. Construction will commence on February 7 with work on the radio tower pedestal (forming in preparation for grouting the open space beneath the pedestal) subject only to weather delays. As work progresses, a number of additional entitlements, permits and applications will be made for electrical work, and a water meter among other things.

In an effort to keep the Board fully informed we have a potential complication. A complaint has been made that the City's stockpiled soils presently located on the A Street alignment are a potential Swainson's hawk habitat. That may affect the availability of those stockpiled soils to complete the placement of fill for the cap during the summer of 2012. However, we do not need access to those materials for the work presently underway. The Trust and the City do not believe the claim holds merit however, it is a matter that will have to be addressed and resolved before next summer's phase 2 construction.

Thank you and please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeffery J. Scharff', with a stylized, flowing script.

Jeffery J. Scharff

JJS:

cc: Douglas M. Daggs, Trustee
Wendy Wyels
David Boyers, Esq.
Jerry Hicks, Esq.
Robert Bletcher, Esq.